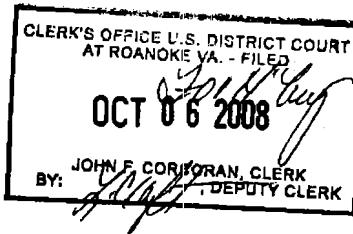


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**



This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered, affirming the final decision of the Commissioner, granting summary judgment to the defendant, and denying plaintiff's motion for summary judgment. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, ORDERED and ADJUDGED that the final decision of the Commissioner is AFFIRMED, summary judgment is GRANTED to the defendant, plaintiff's motion for summary judgment is DENIED, and this case is ORDERED stricken from the docket of the court.

ENTER: This October 6, 2008.

~~UNITED STATES DISTRICT JUDGE~~